

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Eleanor Ciofoletti, Rocco Ciofoletti, and Larry Stospal, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

Case No. 18-cv-3025 (JNE/ECW)
ORDER

Securian Financial Group, Inc., Minnesota Life Insurance Company, Securian Life Insurance Company, Shurwest, LLC, and Minnesota Mutual Companies, Inc.,

Defendants.

Plaintiffs' Motion for Class Certification is currently scheduled for oral argument on July 29, 2021. The briefing schedule for this motion was established by the Amended Pretrial Scheduling Order on January 29, 2021. ECF No. 181. The scheduling order, which was amended by the magistrate judge at Plaintiffs' unopposed request, established March 31, 2021 as the deadline for Plaintiffs to file their motion for class certification, June 30, 2021 as the deadline for Defendants to file any opposition to that motion, and July 14, 2021 as the deadline for Plaintiffs to reply. *Id.* at 3. Plaintiffs filed a Motion for Class Certification on March 31, 2021. Defendants each filed an opposition memorandum in a timely fashion, at 6:09 PM and 6:11 PM on June 30, 2021.

Yesterday, on July 14, 2021 at 11:47 PM, Plaintiffs filed a letter requesting to exceed the word limit in their reply brief. The letter asked for permission to submit a cumulative total of 19,222 words for their opening and reply memoranda. An hour later,

at 12:47 AM on July 15, 2021, Plaintiffs filed a reply brief of 10,885 words. Plaintiffs certified that their opening and reply memoranda contained “a combined total of 18,917 words.” *See* ECF No. 237-1.

Local Rule 7.1(f)(1)(B) requires that, “except with the court’s prior permission,” a supporting memorandum and a reply memorandum “together must not exceed 12,000 words.” “Requests to enlarge word limits must be made in writing — and permission must be obtained — **before** filing a brief exceeding the word limit.” 2009 Advisory Committee’s Note to LR 7.1 (emphasis in original).

Plaintiffs’ request to exceed the word limit is denied. If Plaintiffs wish to have the Court consider a reply memorandum, they may file a memorandum that complies with Local Rule 7.1(f) by 5:00 PM on Friday, July 16, 2021. Because Plaintiffs used 8,032 of 12,000 permitted words in their opening memorandum, the word limit for a reply memorandum is 3,968 words.

IT IS SO ORDERED.

Dated: July 15, 2021

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge